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Nenad Stojkovic

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NENAD STOJKOVIC,

 Plaintiff,

 v.
 PROVAC SALES, INC.,

 Defendant.

CASE NO.: 5:23-cv-05709

COMPLAINT FOR COPYRIGHT
INFRINGEMENT

(INJUNCTIVE RELIEF DEMANDED)

Plaintiff Nenad Stojkovic by and through his undersigned counsel, brings this Complaint against Defendant Provac Sales, Inc. for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff NENAD STOJKOVIC (“Stojkovic”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Stojkovic's original copyrighted Work of authorship.
2. Stojkovic is an economist by profession, but he does dedicate his free time to music and photography. He likes creativity because he identifies himself as an artistic soul by nature. As for photography, he likes to photograph people, their jobs and present their properties in an

1 interesting and artistic way. He also finds great pleasure in photographing children, interiors, events,
2 food and musical instruments.

3 3. Defendant PROVAC SALES, INC. (“Provac”) is a company that buys, sells and
4 services vacuum pumps and helium leak detectors. Provac’s products include blowers, boosters,
5 chillers, coolers, cryo pumps and compressors, diffusion pumps, dry pumps, helium leak detectors,
6 ion pump controllers, ion pumps, piston pumps, oil filtration systems, turbo pumps, vane pumps and
7 more. At all times relevant herein, Provac owned and operated the internet website located at the
8 URL www.provac.com (the “Website”).

9 4. Stojkovic alleges that Defendant copied Stojkovic’s copyrighted Work from the
10 internet in order to advertise, market and promote its business activities. Provac committed the
11 violations alleged in connection with Defendant's business for purposes of advertising and
12 promoting sales to the public in the course and scope of Provac's business.

13 **JURISDICTION AND VENUE**

14 5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

15 6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§
16 1331, 1338(a).

17 7. Defendant is subject to personal jurisdiction in California.

18 8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a)
19 because the events giving rise to the claims occurred in this district, Provac engaged in infringement
20 in this district, Provac resides in this district, and Provac is subject to personal jurisdiction in this
21 district.

22 **DEFENDANT**

23 9. Provac Sales, Inc. is a California Corporation, with its principal place of business at
24 3131 Soquel Drive, Soquel, California, 95073, and can be served by serving its Registered Agent,
25 Ms. Katy Turner, at the same address.

26 **THE COPYRIGHTED WORK AT ISSUE**

27 10. In 2020, Stojkovic created the photograph entitled “Repair of the brake system of a
28 car closeup,” which is shown below and referred to herein as the “Work”.



11. Stojkovic registered the Work with the Register of Copyrights on June 19, 2020, and was assigned registration number VA 2-209-565. The Certificate of Registration is attached hereto as **Exhibit 1**.

12. Stojkovic's Work is protected by copyright but was not otherwise confidential, proprietary, or trade secrets.

13. At all relevant times Stojkovic was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY PROVAC

14. Provac has never been licensed to use the Work at issue in this action for any purpose.

15. On a date after the Work at issue in this action was created, but prior to the filing of this action, Provac copied the Work.

28. Provac copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Stojkovic's authorization in violation of 17 U.S.C. § 501.

29. Provac performed the acts alleged in the course and scope of its business activities.

30. Defendant's acts were willful.

31. Stojkovic has been damaged.

32. The harm caused to Stojkovic has been irreparable.

COUNT II

ADDITION OF FALSE COPYRIGHT MANAGEMENT INFORMATION

33. Stojkovic incorporates the allegations of paragraphs 1 through 32 of this Complaint as if fully set forth herein.

34. The Work at issue in this case contains false copyright management information ("CMI").

35. Provac knowingly and with the intent to enable or facilitate copyright infringement, added CMI to the Work at issue in this action in violation of 17 U.S.C. § 1202(a) in the form of its logo embedded upon the Work, as shown below:



36. Provac distributed copies of the Work to third parties, which included false copyright management information conveyed in connection with the Work.

37. Provac committed these acts knowing or having reasonable grounds to know that they will induce, enable, facilitate or conceal infringement of Stojkovic's rights in the Work at issue in this action protected under the Copyright Act.

38. Provac caused, directed and authorized others commit these acts knowing or having reasonable grounds to know that they will induce, enable, facilitate or conceal infringement of Stojkovic's rights in the Work at issue in this action protected under the Copyright Act.

39. After applying the false CMI to the Work, Provac published the Work in violation of 17 U.S.C. § 1202(a).

40. Stojkovic has been damaged.

41. The harm caused to Stojkovic has been irreparable.

WHEREFORE, the Plaintiff NENAD STOJKOVIC prays for judgment against the Defendant PROVAC SALES, INC. that:

a. Provac and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Provac be required to pay Stojkovic its actual damages and Defendant's profits attributable to the infringement, or, at Stojkovic's election, statutory damages, as provided in 17 U.S.C. § 504;

c. Stojkovic be awarded its attorneys' fees and costs of suit under the applicable statutes sued upon;

d. Stojkovic be awarded pre- and post-judgment interest; and

e. Stojkovic be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Stojkovic hereby demands a trial by jury of all issues so triable.

DATED: November 6, 2023

Respectfully submitted,

/s/Matthew L. Rollin

MATTHEW L. ROLLIN
SRIPLAW, P.A.
Counsel for Plaintiff Nenad Stojkovic

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